

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

LIBERTAS CLASSICAL ASSOCIATION,

Plaintiff/Counter-Defendant, No. 1:20-cv-00997

v

HONORABLE PAUL L. MALONEY

GRETCHEN WHITMER, individually and in her official capacity as Governor of the State of Michigan, DANA NESSEL, individually and in her official capacity as Attorney General of the State of Michigan, ROBERT GORDON, individually and in his official capacity as Director of the Michigan Department of Health and Human Services, and MARCIA MANSARAY, individually and in her official capacity as Deputy Health Administrator of the Ottawa County Department of Health,

MAG. JUDGE PHILLIP J. GREEN

**DEFENDANTS GOVERNOR  
GRETCHEN WHITMER,  
DIRECTOR ROBERT GORDON,  
AND ATTORNEY GENERAL  
DANA NESSEL'S  
JOINT MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT  
UNDER FEDERAL RULES OF  
CIVIL PROCEDURE 12(b)(1), (6)**

Defendants,

and

MARCIA MANSARAY, individually and in her official capacity as Deputy Administrator of the Ottawa County Department of Health,

Defendant/Counter-Plaintiff.

Ian Alexander Northon (P65082)  
Adam J. Baginski (P83891)  
Rhoades McKee, P.C.  
Attorneys for Plaintiff/Counter-Defendant  
Libertas Classical Association  
300 Riverfront Plaza Bldg.  
55 Campau Ave., NW, Ste. 300  
Grand Rapids, MI 49503-2642

Daniel J. Ping (P81482)  
John G. Fedynsky (P65232)  
Assistant Attorneys General  
Attorneys for Defendants Gretchen  
Whitmer and Robert Gordon  
P.O. Box 30736  
Lansing, MI 48909  
(517) 335-7632

(616) 233-5125  
[inorthon@rhoadesmckee.com](mailto:inorthon@rhoadesmckee.com)  
[abaginski@rhoadesmckee.com](mailto:abaginski@rhoadesmckee.com)

[PingD@michigan.gov](mailto:PingD@michigan.gov)  
[FedynskyJ@michigan.gov](mailto:FedynskyJ@michigan.gov)

Ann M. Sherman (P67762)  
Deputy Solicitor General  
Rebecca A. Berels (P81977)  
Assistant Attorney General  
Attorneys for Defendant Dana Nessel  
P.O. Box 30212, Lansing, MI 48909  
(517) 335-7628  
[ShermanA@michigan.gov](mailto:ShermanA@michigan.gov)  
[BerelsR1@michigan.gov](mailto:BerelsR1@michigan.gov)

Douglas W. Van Essen (P33169)  
Elliot J. Gruszka (P77117)  
Silver & Van Essen, P.C.  
Attorney for Defendant/Counter-  
Plaintiff Marcia Mansaray  
300 Ottawa Ave., NW, Ste. 620  
Grand Rapids, MI 49503  
(616) 988-5600  
[dwv@silvervanessen.com](mailto:dwv@silvervanessen.com)  
[egruszka@silvervanessen.com](mailto:egruszka@silvervanessen.com)

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**DEFENDANTS GOVERNOR GRETCHEN WHITMER, DIRECTOR ROBERT  
GORDON, AND ATTORNEY GENERAL DANA NESSEL'S  
JOINT MOTION TO DISMISS PLAINTIFF'S COMPLAINT UNDER  
FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) & (6)**

Daniel J. Ping (P81482)  
John G. Fedynsky (P65232)  
Assistant Attorneys General  
Michigan Dep't of Attorney General  
Attorney for Defendants Governor  
Whitmer and MDHHS Director Gordon  
P.O. Box 30736  
(517) 335-7632  
[pingd@michigan.gov](mailto:pingd@michigan.gov)  
[fedynskyj@michigan.gov](mailto:fedynskyj@michigan.gov)

Ann M. Sherman (P67762)  
Deputy Solicitor General  
Rebecca A. Berels (P81977)  
Assistant Attorney General  
Michigan Dep't of Attorney General  
Attorneys for Defendant Dana Nessel  
P.O. Box 30212, Lansing, MI 48909  
(517) 335-7628  
[ShermanA@michigan.gov](mailto:ShermanA@michigan.gov)  
[BerelsR1@michigan.gov](mailto:BerelsR1@michigan.gov)

Pursuant to Fed. R. Civ. P. 12(b)(1) and (6), Defendants Governor Gretchen Whitmer, Director Robert Gordon, and Attorney General Dana Nessel move this Court to dismiss the Complaint in this matter for the reasons set forth in the attached brief. Pursuant to W.D. Mich. L.R. 7.1(d), counsel for these defendants contacted counsel for Plaintiff, and Plaintiff indicated it will oppose the motion.

Respectfully submitted,

/s/ Daniel J. Ping

Daniel J. Ping (P81482)  
John G. Fedynsky (P65232)  
Assistant Attorneys General  
Michigan Dep't of Attorney General  
Attorney for Defendants Governor  
Whitmer and MDHHS Director Gordon  
P.O. Box 30736  
(517) 335-7632  
[pingd@michigan.gov](mailto:pingd@michigan.gov)  
[fedynskyj@michigan.gov](mailto:fedynskyj@michigan.gov)

/s/ Ann M. Sherman

Ann M. Sherman (P67762)  
Deputy Solicitor General  
Rebecca A. Berels (P81977)  
Assistant Attorney General  
Michigan Dep't of Attorney General  
Attorneys for Defendant Dana Nessel  
P.O. Box 30212, Lansing, MI 48909  
(517) 335-7628  
[ShermanA@michigan.gov](mailto:ShermanA@michigan.gov)  
[BerelsR1@michigan.gov](mailto:BerelsR1@michigan.gov)

**PROOF OF SERVICE (E-FILE)**

I hereby certify that on November 17, 2020, I electronically filed the foregoing document(s) with the Clerk of the Court using the ECF System, which will provide electronic notice and copies of such filing of the following to the parties:

- Defendant Governor Gretchen Whitmer, Director Robert Gordon, and Attorney General Dana Nessel's Joint Motion to Dismiss Plaintiff's Complaint Under Fed. R. Civ. P. 12(b)(1) & (6)

A courtesy copy of the aforementioned document was placed in the mail directed to: Judge Paul L. Maloney, 137 Federal Bldg., 410 W. Michigan Ave., Kalamazoo, MI 49007.

/s/ Daniel J. Ping  
Daniel J. Ping (P81482)  
John G. Fedynsky (P65232)  
Assistant Attorneys General  
Michigan Dep't of Attorney General  
Attorney for Defendants Governor  
Whitmer and MDHHS Director Gordon  
P.O. Box 30736  
(517) 335-7632  
[pingd@michigan.gov](mailto:pingd@michigan.gov)  
[fedynskyj@michigan.gov](mailto:fedynskyj@michigan.gov)